

AGREEMENT ON COOPERATION

BETWEEN THE

FEDERAL GRAIN INSPECTION SERVICE

AND THE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

I. PURPOSE

The Federal Grain Inspection Service (FGIS), the American Association of Grain Inspection and Weighing Agencies (AAGIWA), and the Animal and Plant Health Inspection Service (APHIS) have certain related objectives in the discharge of their responsibilities associated with export shipments of U.S. grain from U.S. and Canadian ports. The purpose of this Agreement is to revise the May 12, 1980, agreement between FGIS and APHIS and to establish procedures and responsibilities for the phytosanitary inspection and certification of export grain.

II. GENERAL RESPONSIBILITIES

- A. The United States is a signatory to the International Plant Protection Convention of the Food and Agriculture Organization (FAO) which requires a phytosanitary certificate to be issued for certain agricultural products. In keeping with this requirement, APHIS, Plant Protection and Quarantine (PPQ), has been delegated the responsibility under Section 101(e) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147 a), as amended, to inspect plants and plant products offered for export and to certify to shippers and interested persons as to the freedom of such products from plant pests in accordance with the phytosanitary requirements of foreign countries.
- B. The official agencies (OA) and FGIS are jointly responsible for providing grading services to aid in the efficient marketing of grain in interstate and foreign commerce. The services, in part, include inspecting the grain and certifying the grade.

III. APPLICATION PROCEDURES

- A. U.S. Grain in Canadian Ports. This section applies only to phytosanitary inspection services on U.S. grain shipped through Canadian ports including, but not limited to, Montreal, Sorel, Trois Rivieres, Quebec City, Baie Comeau, and Port Cartier.

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Exhibit A

(III. A.)

Applicants requesting phytosanitary inspection services may do so by checking the "other closely related services" block and writing the word "phytosanitary" on FGIS Form IN-162, "Application for Inspection and Weighing of U.S. Grain in the United States and Canada." Exporters or their agents must apply for phytosanitary inspection services with the New York office of APHIS/PPQ at the following address:

U.S. Department of Agriculture
APHIS/PPQ
26 Federal Plaza, Room 1747
New York, New York 10007
Telephone: (212) 264-1410

- B. Export Grain in U.S. Ports. Applicants requesting phytosanitary inspection services on grain shipped from export port locations in the United States shall apply with the APHIS/PPQ office which has jurisdiction over the area in which the grain is to be loaded.

IV. SPECIFIC RESPONSIBILITIES

A. The Animal and Plant Health Inspection Service, Plant Protection and Quarantine.

1. Because of PPQ's technical expertise in insect identification, they will:
 - a. Provide technical insect identification training for at least two supervisors from each FGIS export field office and OA that perform inspections which result in the issuance of a phytosanitary certificate;
 - b. Periodically monitor the accuracy of insect identification performed by FGIS and OA personnel; and
 - c. Identify all live adult insects and all larvae which cannot be identified by FGIS or OA. PPQ will provide vials, envelopes, etc., required for the submission of specimens.
2. PPQ will furnish FGIS, OA, and industry personnel with a list of prohibited insects for specific countries. The list shall categorize the insects by common names as well as by genus and species.

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3. PPQ will serve as the initial contact point for applicants and provide all necessary information to applicants for further action to obtain phytosanitary certification. After a request for a phytosanitary inspection is made to PPQ, the FGIS field office supervisor or the chief inspector of the OA responsible for performing the inspection will be notified and given the following information:
 - a. Name of vessel,
 - b. Approximate date and place of loading, and
 - c. Country of destination.
4. PPQ will not, except under special circumstances (e.g., analysis for plant pathogens, etc.):
 - a. Inspect grain at elevators or on waterborne carriers, or
 - b. Request official composite samples of grain.
5. PPQ may request FGIS and OA to furnish official samples, copies of inspection logs, official grain inspection certificates ¹/₁, or other inspection information for review and will:
 - a. Issue a Federal phytosanitary certificate; or
 - b. Inform the exporter or their agent of circumstances which prevent the issuance of a phytosanitary certificate; and
 - c. Inform FGIS or OA of the issuance or nonissuance of a phytosanitary certificate.

¹ Only the official grain inspection certificate will be requested in the case of grain destined to countries which require no phytosanitary certificate for bulk cereals.

B. The Federal Grain Inspection Service and Official Agencies.

1. Official inspection personnel shall not accept applications or perform phytosanitary inspections unless officially requested to do so by APHIS/PPQ. If applicants for phytosanitary inspections send FGIS or OA personnel requests by mail or telephone, FGIS or OA personnel should immediately notify APHIS/PPQ of the request.

Requests for phytosanitary inspections on export grain in U.S. ports shall not be honored if the inspections are not in conjunction with inspections for official grade.

2. FGIS and OA supervisors shall instruct, assist, and monitor official inspection personnel in the identification of insects.
3. Official inspection personnel shall examine subsamples and component samples for live adult insects and larvae which may be prohibited by the country of destination. The examination for infestation shall be performed in accordance with the procedures established in the "Grain Inspection Handbook."
4. When live adult insects or larvae are found, the type of insect (if identifiable), the rate of occurrence for each type of insect, the subplot number, and the hold number(s) shall be recorded on FGIS Forms IN-380, "Inspection Log," and IN-380-2, "Inspection Report - Insects in Grain." All insects shall be identified by common name.
5. When live insects are found which cannot be accurately identified, collect the insects and promptly notify APHIS/PPQ for disposition. Once APHIS/PPQ has been notified, it shall be their responsibility to make arrangements for transportation of the insects to laboratories for identification. Official personnel shall preserve the identity of these insects until such time as they are turned over to APHIS/PPQ.

When submitting insects to APHIS/PPQ for identification, the specimens shall be identified by:

- a. Name of applicant;
- b. Name of vessel;

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- c. Kind of grain;
 - d. Date found;
 - e. Sublot number;
 - f. Quantity of grain represented by the subsample, component sample, or sublot sample;
 - g. Hold number(s); and
 - h. Country of destination.
6. Upon request of APHIS/PPQ, official inspection personnel shall witness the fumigation of grain infested with insects prohibited by the country of destination. The fumigation procedures shall be identical to the procedures outlined in GR Instruction 918-6, Auxiliary 19, "Shiphold Fumigation." The fumigation procedure shall be witnessed even if the grain is not considered weevily under the United States Grain Standards.
7. Upon request of APHIS/PPQ, official inspection personnel will enter shipholds after fumigation and examine grain for infestation in accordance with the established procedures.
8. When grain is infested with prohibited insects and the affected shiphold(s) cannot be fumigated because:
- a. The ship does not meet the requirements for on-board fumigation as outlined in GR Instruction 918-6, Auxiliary 19, "Shiphold Fumigation," or
 - b. The receiving country will not accept grain which has been fumigated.

Upon request of APHIS/PPQ, official inspection personnel shall witness the removal of the affected portion(s) of the grain and examine the remaining grain for infestation in accordance with the applicable procedures outlined in Book III, "Grain Inspection Handbook," Chapter 7, "Material Portion Removal."

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When it has been determined that the infested portion has not been completely discharged, additional grain shall be removed and another examination of the remaining grain shall be conducted until it is determined that the infestation has been removed. The amount of additional grain to be discharged shall be at the discretion of the field office supervisor.

9. Live insects, with the exception of the khapra beetle, found during the course of a stowage examination shall not be reported to APHIS/PPQ.
10. Additional file samples for phytosanitary inspections are not required. Official file samples may be forwarded to APHIS/PPQ in the event that they need to review the samples at a later time. Official inspection personnel shall maintain a record of all official file samples furnished to APHIS/PPQ.
11. Upon the completion of loading, FGIS or OA shall promptly mail a completed copy of Form IN-380-2, "Inspection Report - Insects in Grain," to the APHIS/PPQ office that will be issuing the phytosanitary inspection certificate. Upon request, a completed copy of Form IN-413, "Official Export Grain Inspection Certificate," or FGIS-13, "Official Grain Inspection and Weighing Certificate," shall also be submitted.
12. To expedite the issuance of a phytosanitary inspection certificate by APHIS/PPQ, FGIS or OA may telephone or telegraph their findings to the APHIS/PPQ office that will be issuing the phytosanitary inspection certificate.

V. REPORTING PROCEDURES FOR U.S. GRAIN IN CANADIAN PORTS

- A. When a phytosanitary inspection has been completed, FGIS personnel performing the inspection shall promptly telephone their findings to the Montreal Field Office.
- B. When a phytosanitary inspection is performed in conjunction with an inspection for official grade, a completed copy of Form IN-380-2, "Inspection Report - Insects in Grain," shall be promptly mailed to the New York office of APHIS/PPQ. Upon request, a completed copy of Form IN-413, "Official Export Grain Inspection Certificate," shall also be submitted.

- C. When only a phytosanitary inspection is requested, a completed copy of Form IN-380-2, "Inspection Report - Insects in Grain," and a completed copy of Form IN-418, "Official Certificate," shall be promptly mailed to the New York office of APHIS/PPQ.

VI. JOINT RESPONSIBILITIES

It shall be the joint responsibility of APHIS, FGIS, and OA personnel to maintain a working relationship with each other. Such a relationship will require mutual cooperation and understanding between the agencies in resolving various problems which may arise in the execution of this Agreement.

VII. FEES

There will be no exchange of funds between APHIS, FGIS, or OA. When a phytosanitary inspection is performed in conjunction with an inspection for official grade, separate fees will not be assessed by FGIS unless additional manpower is required to witness fumigation, to examine grain after fumigation, or to examine remaining grain after a portion has been removed to eliminate infestation. When a phytosanitary inspection is performed as a separate service in Canada, the applicant shall be assessed a sampling fee by FGIS. OA may charge for phytosanitary inspection services in accordance with their published fee schedule.

VIII. EFFECTIVE DATE

This Agreement will become effective on 5 Nov. 1981 and implements Section 7(b) of the United States Grain Standards Act, as amended, and Section 102(e) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147 a), as amended.

Date 10-13-81 Approved /S/

K. A. Gilles
Administrator, Federal Grain Inspection Service,
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Date 11/3/81 Approved /S/

H. C. Mussman
Administrator, Animal and Plant Health Inspection Service,
U.S. Department of Agriculture

Date 11/5/81 Approved /S/

C. McMillan
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